

1 Timothy J. Schmidt AND Janet Louise Rustici  
2 3983 S. McCarran Blvd., #154  
Reno, NV 89502-7510  
Phone: 775-583-8861

3 Defendants  
4

FILED  
AUG 27 2009  
DRAS

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

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6 **UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
7 **SACRAMENTO DIVISION**

8 In re:

9 Timothy Joseph Schmidt

10 And

11 Janet Louise Rustici

12 Debtor.

Case No:  
**09-23892-B-7**

Adversary: **09-2493**

13 **RESPONSE OF DEFENDANTS,**

14 -----  
15 The One Tree Group, Inc.

16 v.

17 Timothy Joseph Schmidt AND

18 Janet Louise Rustici

20  
21 Comes now Defendants, Timothy Joseph Schmidt and Janet Louise Rustici,  
22 and answers the adversary proceeding on file herein as follows:

23 1. Defendant admits that this is a core matter as that term is defined by 28  
24 USC §157(b)(2)(I).

25 2. Defendant admits each and every allegation of paragraphs 2, 3, 5, 6, 8,  
26 11, 12, 13 and 16 of the complaint on file herein.

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ANSWER TO ADVERSARY COMPLAINT

1       3. Defendant lacks information and belief and therefore denies the  
2           allegations of paragraph 1, 9, 10, 14, 15, 17 and (General Allegations 4)  
3           of the complaint.  
4       4. Defendant hereby denies each and every allegation of paragraphs 4, 7,  
5           (General Allegations 2, 3) and (First Claim for Relief 6, 7, 8, 9, 10, 11)  
6           of the complaint on file herein.  
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9       Wherefore, Defendant prays that the court dismiss the complaint and that  
10      the Defendant be awarded costs of suit, including reasonable attorney fees,  
11      herein incurred.

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13      Dated: August 24, 2009

14           Respectfully Submitted,

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16           \_\_\_\_\_  
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18           Timothy Joseph Schmidt and  
19           Janet Louise Rustici, Defendants